

17364 US PTO  
123103

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Docket No. B0801.70226US01
First Named Inventor or Application Identifier BIRKENBACH, Mark		
Express Mail Label No. EV292561781US		
Date of Deposit		December 31, 2003

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10/749990

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents</i>		ADDRESS TO:	Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total pages 46] 41 - pages description 1 - pages abstract 4 - pages claims      26 - Total claims</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total sheets 17] <input type="checkbox"/> Informal    <input checked="" type="checkbox"/> Formal      [Total drawings 7]</p> <p>5. <input checked="" type="checkbox"/> Oath or Declaration [Total pages 2] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application</p> <p>If 5b is checked the entire disclosure of prior applications,</p> <p>Serial No. 09/929,583 Serial No. 09/536,954 Serial No. 08/352,678 Serial No. 07/980,518</p> <p>from which an oath or declaration is supplied, is considered as part of the disclosure of the accompanying application as is hereby incorporated by reference therein. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet, See 37 CFR 1.76</p>		<p>7. <input type="checkbox"/> CD-ROM or CD-R, in duplicate, large table or Computer Program (Appendix)</p> <p>8. <input checked="" type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input checked="" type="checkbox"/> Computer Readable Form (CRF) b. <input checked="" type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input checked="" type="checkbox"/> paper (identical to computer copy) c. <input checked="" type="checkbox"/> Statement verifying identity of above copies</p>	
<b>ACCOMPANYING APPLICATION PARTS</b>			
<p>9. <input type="checkbox"/> Assignment Papers/cover sheet &amp; documents(s)</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> <input type="checkbox"/> Power of Attorney</p> <p>11. <input type="checkbox"/> English Translation of Document <i>(if applicable)</i></p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Request and Certification Under 35 U.S.C. §122(b)(2)(B))(ii)</p> <p>17. <input type="checkbox"/> Other: _____ _____</p>			

**18. NOTE TO PRACTITIONERS:** If a CONTINUING APPLICATION, supply the requisite priority or continuity information in (1) the body of the application, or in a preliminary amendment, and (2) in an Application Data Sheet under 37 CFR 1.76.

**19. CORRESPONDENCE ADDRESS**

*Correspondence address below*

**CUSTOMER NUMBER:**  
**23628**

**20. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

<b>NAME</b>	John R. Van Amsterdam, Ph.D., Reg. No. 40,212
<b>SIGNATURE</b>	
<b>DATE</b>	December 31, 2003

Inventor(s): BIRKENBACH, Mark

Serial No: Not yet assigned

Confirmation No.: Not yet assigned

Filed: Herewith

For: EPSTEIN BARR VIRUS INDUCED GENES

CHECK BOX, if applicable:

 DUPLICATE

## Fee Calculation Sheet

CLAIMS	FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
	TOTAL CLAIMS (37 CFR 1.16(c))	26-20=	6x	\$ 18.00	= \$ 108.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	3-3=	0 x	\$ 86.00	= \$ 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) +			\$	= \$
				BASIC FEE (37 CFR 1.16(a))	\$ 770.00
				Fee for Petition for Extension of Time (if any)	\$ 0.00
				Other Fees (if any)	\$ 0.00
				Total of above Calculations =	\$ 878.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)	\$ 0.00
				Assignment Recordation Fee (if any)	\$ 0.00
				TOTAL =	\$ 878.00

1. A check in the amount of \$ 878.00 is enclosed.

## General Authorization to Charge Deposit Account and General Request for Extension of Time

2. a.  If the filing of any paper in this application necessitates the payment of a fee under 37 CFR §§  1.16 or  1.17, and the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.
- b.  The applicant hereby revokes any prior authorization to charge a fee due under 37 CFR §§  1.16  1.17 or  1.18.
3. If the filing of any paper in this application necessitates an extension of time under 37 CFR § 1.136(a), the applicant hereby requests such extension of time. If the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.



John R. Van Amsterdam, Ph.D., Reg. No. 40,212  
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Docket No. B0801.70226US01  
 Date: December 31, 2003

DOCKET NO: B0801.70226US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Birkenbach et al.  
Serial No.: Not yet assigned  
Confirmation No.: ---  
Filed: Herewith (December 31, 2003)  
For: EPSTEIN BARR VIRUS INDUCED GENES  
  
Examiner: Not yet assigned  
Art Unit: Not yet assigned

**Mail Stop PATENT APPLICATION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT UNDER 37 C.F.R. §1.821(f)**

This statement is made pursuant to 37 CFR 1.821(f). Applicant encloses herewith an original written copy of the Sequence Listing and a computer readable diskette. Applicant's attorney states that the information recorded in the computer readable form is identical to the written Sequence Listing and that the Sequence Listing contains no new matter.

Respectfully submitted,  
*Birkenbach, et al., Applicant*

  
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